

<b>VIKING LUMBER COMPANY,</b>	)	<b>AGBCA No. 2002-122-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Ruth G. Tiger, Esquire	)	
Saltman & Stevens, P.C.	)	
1801 K Street, N.W., Suite M-110	)	
Washington, D.C. 20006	)	
	)	
<b>Representing the Government:</b>	)	
	)	
James J. Ustasiewski, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
P. O. Box 21628	)	
Juneau, Alaska 99802	)	

## **DECISION OF THE BOARD OF CONTRACT APPEALS**

**January 17, 2006**

**Before POLLACK, VERGILIO, and STEEL, Administrative Judges.<sup>1</sup>**

**Opinion for the Board by Administrative Judge POLLACK.**

This appeal arises out of Contract No. 057714, Kuakan Timber Sale, between Viking Lumber Company (Viking or Appellant) of Craig, Alaska, and the U. S. Department of Agriculture, Forest Service (FS), Alaska Region, Tongass National Forest, Petersburg, Alaska. The sale involved the harvesting and processing of timber originating from lands on Tongass National Forest, Deer Island, Alaska. The claim for \$1,299,641 was comprised of charges from Viking and from its helicopter logging subcontractor and arose out of suspension of the timber operations due to a court ordered injunction. The FS issued a decision denying the claim on December 26, 2001. The Appellant appealed. The Board has jurisdiction over this timely filed appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 601-613, as amended.

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<sup>1</sup> Administrative Judge Steel of the Interior Board of Contract Appeals, sits by designation.

After the appeal was docketed, the parties began the discovery process, agreeing in April 2003 to enter into stipulations and a protective order issued by the Board. From February 2003 onward, the parties advised the Board in regular status reports that they were making progress in terms of reaching a potential settlement, expressed confidence that they would come to an agreement, and asked that the Board continue to allow the parties to proceed with the ongoing discussions. Finally, by letter dated December 16, 2005, the Appellant on behalf of both parties advised the Board that the parties had reached an agreement.

By letter of January 12, 2006, the parties submitted for filing a Stipulation and Request for Decision Granting the Appeal. The Board incorporates the Stipulation into this decision. The Stipulation calls for the FS to pay Appellant \$585,000 plus Contract Disputes Act interest on that amount, calculating the interest from October 1, 2001, to the date of payment. The parties have further agreed that the decision of the Board in this matter will be final and binding and not subject to further appeal.

### **DECISION**

The Board grants the appeal. The Appellant is to recover the sum of \$585,000, plus interest, calculated from October 1, 2001, as provided in the Stipulation and Request for Decision Granting the Appeal.

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**HOWARD A. POLLACK**

Administrative Judge

**Concurring:**

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**JOSEPH A. VERGILIO**

Administrative Judge

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**CANDIDA S. STEEL**

Administrative Judge

**Issued at Washington, D.C.**

**January 17, 2006**